

**GUN DEALER PENALTY AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill modifies the penalties provision of the Weapons Part of the Utah Criminal Code regarding penalties for firearms' violations.

**Highlighted Provisions:**

This bill:

- ▶ makes it a class A misdemeanor for a violation of the criminal background check provisions in Section 76-10-526 by a licensed handgun dealer; and
- ▶ makes certain technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-10-527**, as last amended by Laws of Utah 1998, Chapter 187

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **76-10-527** is amended to read:

**76-10-527. Penalties.**

~~[(1) This section shall apply only to a handgun until federal law requires the background check in Section 76-10-526 to extend to other firearms at which time this section shall also apply to those firearms.]~~

~~[(2)]~~ (1) A dealer is guilty of a class A misdemeanor who willfully and intentionally:

(a) requests, obtains, or seeks to obtain criminal history background information under false pretenses; ~~[or]~~

(b) disseminates criminal history background information~~[-]; or~~

32           (c) violates Section 76-10-526.

33           ~~[(3)]~~ (2) A person who purchases or transfers a firearm is guilty of a felony of the third  
34 degree ~~[who]~~ if the person willfully and intentionally makes a false statement of the  
35 information required for a criminal background check in Section 76-10-526.

36           ~~[(4) A]~~ (3) Except as otherwise provided in Subsection (1), a dealer is guilty of a  
37 felony of the third degree if the dealer willfully and intentionally sells or transfers a firearm in  
38 violation of this part.

39           ~~[(5)]~~ (4) A person is guilty of a felony of the third degree ~~[who]~~ if the person purchases  
40 a firearm with the intent to:

41           (a) resell or otherwise provide a firearm to ~~[any]~~ a person who is ineligible to purchase  
42 or receive a firearm from a dealer ~~[a firearm]~~; or

43           (b) transport a firearm out of this state to be resold to an ineligible person.